

US EPA ARCHIVE DOCUMENT

United States Environmental Protection Agency
Region 5
Air Programs Branch
Air and Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

AIR QUALITY CONSTRUCTION PERMIT

Permit Number: SYN-LDF-5577738024-2014-01

Issue Date: Draft **AUG 28 2014**

Effective Date: Draft

In accordance with the provisions of the Clean Air Act and the Federal Minor New Source Review Program in Indian Country, 40 C.F.R. §§ 49.151 – 49.161,

Pitlik & Wick, Inc.

is authorized to construct and operate air emissions units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to construct in the following location(s):

Highway D Aggregate Source
2975 County Road D
Lac Du Flambeau, Wisconsin 54548

Clear Lake Aggregate Source
Highway 70 West
Lac Du Flambeau, Wisconsin

The Pitlik & Wick, Inc. facility will operate within the exterior boundaries of the Lac du Flambeau Band of Chippewa Indians' Reservation. The Lac du Flambeau Band (LDF or Band) is a federally recognized Indian tribe with a reservation in Vilas County, Wisconsin.

Terms and conditions not otherwise defined in this permit have the meaning assigned to them in 40 C.F.R. Part 49. All terms and conditions of the permit are enforceable by the U.S. Environmental Protection Agency and citizens under the Clean Air Act.



Susan Hedman
Regional Administrator
U.S. EPA, Region 5

8-25-2014
Date

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Abbreviations and Acronyms

BTU	British thermal unit
CAA	Clean Air Act
CO	Carbon Monoxide
EPA	U.S. Environmental Protection Agency
Facility	Portable crushing plant and associated equipment/loading
HAP	Hazardous Air Pollutant
hp	Horsepower
hr	Hour
lb	Pound
MMBTU	Millions of BTUs
NO _x	Nitrogen Oxides
NSR	New Source Review
Permittee	Pitlik & Wick, Inc.
PM	Particulate Matter
PM ₁₀	Particulate Matter smaller than 10 microns
PM _{2.5}	Particulate Matter smaller than 2.5 microns
SO ₂	Sulfur Dioxide
VOC	Volatile Organic Compound

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SECTION I: FACILITY DESCRIPTION

(A) General Source Information

Owner: Pitlik & Wick, Inc.
8075 County Highway D
Eagle River, Wisconsin 54521

Locations: Highway D Aggregate Source
2975 County Road D
Lac Du Flambeau, Wisconsin 54548

Clear Lake Aggregate Source
Highway 70 West
Lac Du Flambeau, Wisconsin

County: Vilas

Reservation: Lac Du Flambeau Band of Chippewa Indians' Reservation

SIC Code: 1442, Construction Sand and Gravel

NAICS Code: 212321, Construction Sand and Gravel Mining

This minor new source review (NSR) construction permit is being issued to Pitlik & Wick, Inc. in Eagle River, Wisconsin. Pitlik & Wick, Inc. will operate a portable crushing facility within the exterior boundaries of the LDF reservation. This minor NSR permit authorizes the construction of a new portable non-metallic crushing and screening facility and establishes federally-enforceable operating limitations.

Pitlik & Wick, Inc. (P & W) holds a permit issued by the Wisconsin Department of Natural Resources (WDNR) for operation of its portable crushing facility on state land, but the portable facility is a new source for purposes of its operations within the exterior boundaries of the Lac du Flambeau Band of Chippewa Indians' Reservation.

The facility is composed of a portable crushing plant, transfer points, and storage piles. The facility operates a diesel fired internal combustion engine (ICE). Although the facility's emissions are below major source thresholds under NSR, the facility is taking federally-enforceable limitations to keep emissions below major source thresholds for the federal operating permit program at 40 C.F.R. Part 71.

This permit, once issued, will be the first federally-enforceable air permit issued to the facility for operation within the exterior boundaries of the LDF reservation.

(B) Emission Unit Description

- (1) The facility operates the following emission units outside the boundary of the LDF reservation:
 - (a) Portable crushing plant consisting of primary, secondary, tertiary crushers, conveyors, transfer points, storage bins, screens and screening operations.
 - (b) Material load in and load out from plant consisting of truck traffic and loaders over unpaved roadways.
 - (c) One diesel fired internal combustion engine (ICE) rated at 600 hp or greater.
- (2) After issuance of this permit, the facility will be authorized to operate the following emission units within the exterior boundary of the LDF reservation:
 - (a) Portable crushing plant consisting of primary, secondary, tertiary crushers, conveyors, transfer points, storage bins, screens and screening operations;
 - (b) Material load in and load out from plant consisting of truck traffic and loaders over unpaved roadways;
 - (c) One diesel fired ICE rated at 600 hp or greater.

SECTION II: UNIT-SPECIFIC REQUIREMENTS

(A) New Emission Unit Construction Authorization and Requirements

(1) Definitions

- (a) For the purpose of this construction authorization, "construction commences" has the same definition as 40 C.F.R. § 52.21(b)(8) and (9).
- (b) For the purpose of this construction authorization, "operational" shall be defined as the first time the processing equipment emits into the ambient air.

(2) New Unit Construction Authorization

- (a) The Permittee is authorized to construct the following emission units:
 - (i) One portable crushing plant consisting of one primary (initial) crusher, secondary and tertiary crushers, conveyors, transfer points, storage bins, screens and screening operations.
 - (ii) Material load in and load out from the plant consisting of truck traffic and loaders over unpaved roadways.
 - (iii) One diesel fired ICE rated at 600 hp or greater.

(3) New Unit Emission Limitations and Requirements

- (a) Unless otherwise stated, the Permittee shall operate each new emission unit in accordance with the applicable unit-specific, facility-wide, and general requirements established in this permit.
- (b) Each new emission unit shall meet all applicable requirements at all times, including during initial operation of each new emission unit.

(4) Construction Notification Requirements

- (a) The Permittee shall inform EPA, in writing, of the following:
 - (i) The date construction commences for each authorized new emission unit; and
 - (ii) The date each new emission unit becomes operational.
- (b) Unless directed otherwise, the Permittee shall send each required notification to the address listed in section IV, condition (G) of this permit.

(5) Construction Authorization Limitations and Expiration

- (a) The authorization to construct new emission units shall apply only to the emission units explicitly identified in the construction authorization.
- (b) The authorization to construct the new emission units shall become effective on the effective date of this permit.
- (c) The authorization to construct the new emission units shall become invalid if construction of the new emission unit does not commence within 18 months of the effective date of this permit, construction is discontinued for a period of 18 months or more, or if construction is not completed within 42 months of commencing construction.

(B) Portable Crushing Plant (P10) Limitations and Requirements

(1) Operating Limitation

- (a) The Permittee shall operate the portable crushing plant for no more than 16 hours a day, 6 days a week for up to 60 days during any 12 consecutive calendar month period. Compliance with this limit is demonstrated according to condition (B)(4) of this section.

(2) Synthetic Minor Production Limit

- (a) The Permittee shall not exceed a production limit of 800 tons/hour and 100,000 tons during any 12 consecutive calendar month period. Compliance with these limits is demonstrated according to condition (B)(4) of this section.

(3) Visible Emission

- (a) Fugitive emissions from sand, gravel, rock crushing, and screening operations shall not exceed:
 - (i) 12 percent opacity for crushers; and
 - (ii) 7 percent opacity, at other units.
- (b) At least once during each calendar month the permitted source operates, the Permittee shall inspect to check that water is flowing to discharge spray nozzles in the wet suppression system. If the nozzles are not functioning properly, the owner or operator must initiate corrective action within 24 hours and complete corrective action as expediently as practical.
- (c) The Permittee shall comply with the fugitive dust control plan in Attachment A.

(4) Compliance Demonstration Requirements

(a) Recordkeeping

- (i) The Permittee shall record the number of hours the portable crushing plant operates each calendar month.
- (ii) During the first 12 calendar months beginning with the date the portable crushing plant becomes operational, the Permittee shall add the current month's hours of operation to the previous months' hours of operation and record the sum. The Permittee shall record the total hours of operation for the portable crushing plant determined in this manner by the end of each calendar month.
- (iii) Beginning with the 13th calendar month and for each subsequent month following the date the portable crushing plant becomes operational, the Permittee shall add the current month's hours of operation to the previous 11 months' hours of operation. The Permittee shall record the total hours of operation for the portable crushing plant determined in this manner by the end of each calendar month.
- (iv) The Permittee shall record the tons of material processed in the portable crushing plant operates each calendar month.
- (v) During the first 12 calendar months beginning with the date portable crushing plant becomes operational, the Permittee shall add the current month's amount of material processed to the previous months' amount of material processed and record the sum. The Permittee shall record the total amount of material processed for the portable crushing plant determined in this manner by the end of each calendar month.
- (vi) Beginning with the 13th calendar month and for each subsequent month following the date the portable crushing plant becomes operational, the Permittee shall add the current month's amount of material processed to the previous 11 months' amount of material processed. The Permittee shall record the total amount of material processed for the portable crushing plant determined in this manner by the end of each calendar month.
- (vii) The Permittee shall calculate and record the production rate, in tons of material processed per hour, each calendar month using the following equation:

Tons of material processed in month/hours operated in month

(viii) The dates and results of each wet suppression system monitoring performed pursuant to Section (B)(3), any corrective action taken as a result of each survey, and the result of any corrective action taken shall be recorded.

(ix) The Permittee shall maintain all records at the facility for no less than 5 years.

(b) Testing

(i) Within 60 days after achieving the maximum production rate at which the permitted source will operate the affected emissions unit(s), but not later than 180 days after the first day of operation, the Permittee shall perform an initial performance test to verify compliance with the applicable opacity limitations in B(3). Performance tests shall be performed:

- (a) According to an EPA-approved test plan;
- (b) While the permitted source is operating under typical operating conditions;
- (c) Using test Method 9 from 40 C.F.R. part 60, appendix A
- (d) The duration of each Method 9 test shall be at least 30 minutes.

Compliance with each opacity limit shall be determined based on the average of at least five six-minute averages.

(ii) Ongoing performance tests meeting the criteria of the initial performance tests shall be performed whenever required by the reviewing authority but at least every five years.

(iii) Written notification of the planned test date shall be postmarked or received by the EPA at least 30 days before the planned test date. The EPA shall reject the results of a test if less than 30 days notice is given unless written authorization of a shorter notice was given by the EPA. If, after 30 days notice for a scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the Permittee shall notify EPA as soon as possible, either by providing at least 7 days prior notice of the rescheduled date of the performance test or by arranging a reschedule date with the EPA by mutual agreement.

- (iv) The Permittee shall submit to the EPA a test plan with or in advance of the test notification required under this section or in response to the EPA's request for supplemental information. If the proposed test plan does not contain sufficient or accurate enough detail to ensure that the performance test meets the requirements of the applicable requirement or compliance document, EPA may reject the plan, and the owner or operator must address any of EPA's comments on revisions and additions that are necessary to make the plan complete before the test date.

(c) Reporting

- (i) The Permittee shall submit to EPA a document certifying compliance with the 12 consecutive month operating hour and production limitations for the portable crushing plant.
- (ii) The certification document shall be submitted twice each calendar year, one in January and the other in July. This document shall be submitted no later than the last day of each month.
- (iii) The certification document submitted in July shall cover the 6-month period from January to June of the current calendar year. The document submitted in January shall cover the 6-month period from July to December of the previous calendar year.
- (iv) The certification document shall contain, at a minimum, the total number of hours the portable crushing plant has operated and the amount of material processed during each 12 consecutive month period ending with the month in question.

(C) Material Loading (P11) Limitations and Requirements

(1) Visible Emissions

- (a) The Permittee shall comply with the fugitive dust control plan in Attachment A.
- (b) The Permittee shall use good work practices to minimize visible emissions associated with the load in and load out of material at the facility.

(D) Diesel Fired Internal Combustion Engine (P12) Limitations and Requirements

(1) Fuel Limitation

- (a) For a diesel ICE greater than 600 horsepower, the maximum fuel usage is 70 gallons per hour.
- (b) The Permittee shall not exceed 1,667 gallons of fuel per day.
- (c) The Permittee shall not exceed 20,000 gallons of fuel per year.
- (d) Compliance with this limit is demonstrated according to condition (D)(3) of this section.

(2) Fuel Requirements

- (a) The Permittee shall use #2 diesel fuel.
- (b) Diesel and biodiesel shall contain no more than 15 parts per million of sulfur.

(3) Compliance Demonstration Requirements

(a) Recordkeeping

- (i) The Permittee shall record the number of gallons the diesel used and the type of ICE used each calendar month.
- (ii) During the first 12 calendar months of operation of the diesel ICE, the Permittee shall add the current month's fuel usage to the previous months' fuel usage. The Permittee shall record the total gallons of fuel used determined in this manner by the end of the following calendar month.
- (iii) Beginning with the 13th calendar month of operation and for each subsequent month, the Permittee shall add the current month's fuel usage to the previous 11 months' fuel usage. The Permittee shall record the total fuel usage determined in this manner by the end of the following calendar month.
- (iv) The Permittee shall record the sulfur content of the diesel fuel used in the diesel ICE each month.
- (v) The Permittee shall maintain all records at the facility for no less than 5 years.

(b) Reporting

- (i) The Permittee shall submit to EPA a document certifying compliance with the 12 consecutive month fuel usage limitation for the diesel ICE.
- (ii) The certification document shall be submitted twice each calendar year, one in January and the other in July. This document shall be submitted no later than the last day of each month.
- (iii) The certification document submitted in July shall cover the 6-month period from January to June of the current calendar year. The document submitted in January shall cover the 6-month period from July to December of the previous calendar year.
- (iv) The certification document shall contain, at a minimum, the total number of hours the diesel ICE has operated and gallons of fuel used during each 12 consecutive month period ending with the month in question and any periods of time that the sulfur content of the fuel did not meet specifications.

SECTION III: FACILITY-WIDE REQUIREMENTS

(A) 40 C.F.R. Part 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants

(1) Applicability of Subpart OOO to the Facility

[40 C.F.R. § 60.670] Pitlik & Wick is subject to 40 C.F.R. Part 60, Subpart OOO because the Permittee operates a portable nonmetallic mineral processing plant.

(2) Standard for Particulate Matter

(a) [40 C.F.R. § 60.672(b)] Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 C.F.R. § 60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems or for fugitive emissions escaping capture systems.

(b) [40 C.F.R. § 60.672(d)] Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.

(3) Monitoring

[40 C.F.R. § 60.674(b)] The Permittee must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The Permittee must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if it is found that water is not flowing properly during an inspection of the water spray nozzles. The Permittee must record each inspection of the spray nozzles, including the date of each inspection and any corrective action taken, in the logbook required under 40 C.F.R. § 60.676(b).

(4) Test Methods and Procedures

[40 C.F.R. § 60.675(c)(1), (3)] The Permittee shall determine compliance with the PM standards in 40 C.F.R. § 60.672(b) by using Method 9 of Appendix A-4 of this part and the procedures in 40 C.F.R. § 60.11, with the following additions:

- (i) The minimum distance between the observer and the emission source shall be 15 feet.

- (ii) The observer shall select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun must be followed.
- (iii) Water used for wet suppression shall not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.
- (iv) The duration of each Method 9 test shall be at least 30 minutes. Compliance with each opacity limit shall be determined based on the average of at least five six-minute averages.

(5) Reporting and Recordkeeping

- (a) [40 C.F.R. § 60.676(f) and (h)] The Permittee shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 C.F.R. § 60.672, including reports of opacity observations.
- (b) The Permittee shall submit notification of the actual date of initial startup for the home office and the current address or location of the portable plant.
- (c) Notifications and reports shall be sent to EPA Region 5.

(B) Notification of Relocation

(1) Notification before Relocation

- (a) The Permittee shall notify EPA at least 14 days before relocating the permitted source to or from the designated sites listed in Section I of the permit. The notification shall include:
 - (i) The existing and new locations including state, county, physical address and longitude and latitude coordinates;
 - (ii) If the Permittee requests to add new location that is not listed in Section I of the permit and is Indian Country subject to Federal Air Rules for Reservations, 40 C.F.R. § 49.139, the following information shall be submitted for approval:
 - a. Expected equipment list and operating configuration including a flow diagram;

- b. Expected operating hours and production rates at the new location;
- c. Expected duration (days) of operation at the new location;
- d. Expected existence of any other air pollution emitting operations located at the same site;
- e. Plot plan and a map showing locations of any water bodies or wetlands within 5 miles of the new location;
- f. Inventory of emissions actually emitted during the most recent previous 12 months for CO, NO_x, PM, PM₁₀, SO₂, VOC, total HAPs and individual HAPs;
- g. List of endangered/threatened species in the new county and the adjacent counties that are within 5 miles of the new location and any available site-specific assessments or approvals related to the Endangered Species Act; and
- h. List of any historical/cultural preservation sites in the county of the new location and any available archeological surveys.

(2) Notification after Relocation

- (a) The Permittee shall notify EPA within 15 days after relocating the permitted source. The notification shall include:
 - (i) Actual date of relocation; and
 - (ii) Any corrections or adjustments to the information required to be previously submitted in Section III.(B)(1) of the permit.

SECTION IV: GENERAL PERMIT REQUIREMENTS

(A) Definitions

Terms and conditions in this permit have the meaning assigned to them in 40 C.F.R. Part 49 unless the permit otherwise defines the terms or references other regulations.

(B) Issuance and Effective Date of Permit

- (1) This permit is being issued pursuant to 40 C.F.R. §§ 49.151-49.161.
- (2) This permit shall become effective on the date of signature by the Regional Administrator.

(C) Construction Without a Permit

If the Permittee constructs or operates any source or modification not in accordance with the terms of any approval to construct then the Permittee shall be subject to appropriate enforcement actions.

(D) Construction Approval

- (1) Nothing in this permit shall alter the requirement for the Permittee to obtain a construction permit before commencement of construction or modification of an emission unit.
- (2) Approval for construction or installation shall not relieve the Permittee of the responsibility to comply fully with the applicable provisions of any other requirements of federal law or regulation, including Title V of the CAA.

(E) Compliance with Permit Requirements

- (1) The Permittee shall comply with each term and condition in this permit. Failure to comply with any term or condition of this permit constitutes a violation of the permit, and may constitute a violation of the CAA and serve as grounds for:
 - (a) An enforcement action under Section 113 of the CAA;
 - (b) Termination, revocation and reissuance, or modification of the permit; or
 - (c) Denial of a federal operating permit application under 40 C.F.R. Part 71.
- (2) It is not a defense in an enforcement action for violation of this permit that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(F) Prohibition on Violation of National Ambient Air Quality Standards and Prevention of Significant Deterioration Increments

The emission units subject to this construction permit must not cause or contribute to a violation of any National Ambient Air Quality Standard or to a violation of a Prevention of Significant Deterioration increment.

(G) Submittals

- (1) Unless otherwise directed by EPA or this permit, the Permittee shall submit a copy of all test plans, reports, certifications, notifications, and other information pertaining to compliance with this permit to:

Air Enforcement and Compliance
Assurance Branch (AE-17J)
Air and Radiation Division
EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

- (2) The Permittee shall submit permit applications, applications for permit amendments, and other applicable permit information, which includes but is not limited to applications and information regarding installation of control equipment, replacement of an emissions unit, and requests for changes that contravene permit terms, to:

Air Permits Section
Air Programs Branch (AR-18J)
EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

- (3) All reports required by this permit shall be signed by a responsible official as to the truth, accuracy, and completeness of the information. The report must state that, based on information and belief formed after reasonable inquiry, the statements and information are true, accurate, and complete. If the Permittee discovers that any reports or notification submitted to the reviewing authority contain false, inaccurate, or incomplete information, the Permittee shall notify the reviewing authority immediately and correct or amend the report as soon as is practicable.

(H) Severability

The terms and conditions in this permit are distinct and severable. Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of this permit. If any term or condition in this permit is held invalid, such invalidity shall not affect the validity or application of other terms or conditions.

(I) Entry and Inspection

The Permittee shall allow an EPA-authorized representative, upon presentation of credentials, to:

- (a) Have a right of entry to, upon, or through any premises where a source subject to this permit is located or where records required by this permit are kept;
- (b) Have access to any records required by this permit and to make copies of any records;
- (c) Inspect, during normal business hours or while the source is in operation, the emission units and processes that are the subject of this permit and any monitoring equipment required by or referenced in this permit;
- (d) Record any inspection by use of written, electronic, magnetic, and photographic media; and
- (e) Sample or monitor any emissions or parameters to assure compliance with this permit or other applicable requirements.

(J) Circumvention

The Permittee shall not build, erect, install, or use any article, machine, equipment, or process, the use of which conceals any emission which would otherwise constitute a violation of an applicable standard.

(K) Reservation

This permit does not convey any property rights or any sort of exclusive privilege.

(L) Permit Revision, Reopening, Revocation and Reissuance, or Termination

- (1) EPA may revise, reopen, revoke and reissue, or terminate this permit for cause.
- (2) The filing by the Permittee of a request for a permit revision, revocation and reissuance, or termination or of a notification of planned changes or anticipated noncompliance does not stay any permit conditions.
- (3) The Permittee shall furnish, within a reasonable time, any information that EPA may request in writing to determine whether cause for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. For any such information claimed to be confidential, the Permittee must also submit a claim of confidentiality in accordance with 40 C.F.R. Part 2, Subpart B.

APPENDIX A: FUGITIVE DUST CONTROL PLAN

1. *Site Roadways and Plant Yard*

- a. The dust on the site roadways/plant yard shall be controlled by applications of water, calcium chloride or other acceptable and approved fugitive dust control compound. Applications of dust suppressants shall be done as often as necessary to meet all applicable emission limits.
- b. All paved roadways/plant yards shall be swept as needed between applications.
- c. Any material spillage on roads shall be cleaned up immediately.

2. *Plant*

- a. The drop distance at each transfer point shall be reduced to the minimum the equipment can achieve.
- b. The transfer point from the re-circulating belt to the feed belt shall be equipped with an enclosed chute.

3. *Storage Piles*

- a. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.
- b. Stockpiles shall be watered on an as needed basis in order to meet the opacity limits. Also, equipment to apply water or dust suppressant shall be available at the site, or on call for use at the site, within a given operating day. A record of all watering shall be kept on file and be made available upon request.

4. *Truck Traffic*

- a. Vehicles shall be loaded to prevent their contents from dropping, leaking, blowing or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within six inches of the top of any side board, side panel or tail gate; otherwise, the truck shall be tarped.
- b. A speed limit sign of 15 miles-per-hour or lower shall be posted on site so that it is visible to truck traffic.

5. *Corrective Actions*

If corrective action needs to be taken, the Permittee shall consider and use one or more of the following options: adjust the watering and/or sweeping frequencies, reduce drop distances, increase cover, and/or take other actions to reduce fugitive dust emissions.